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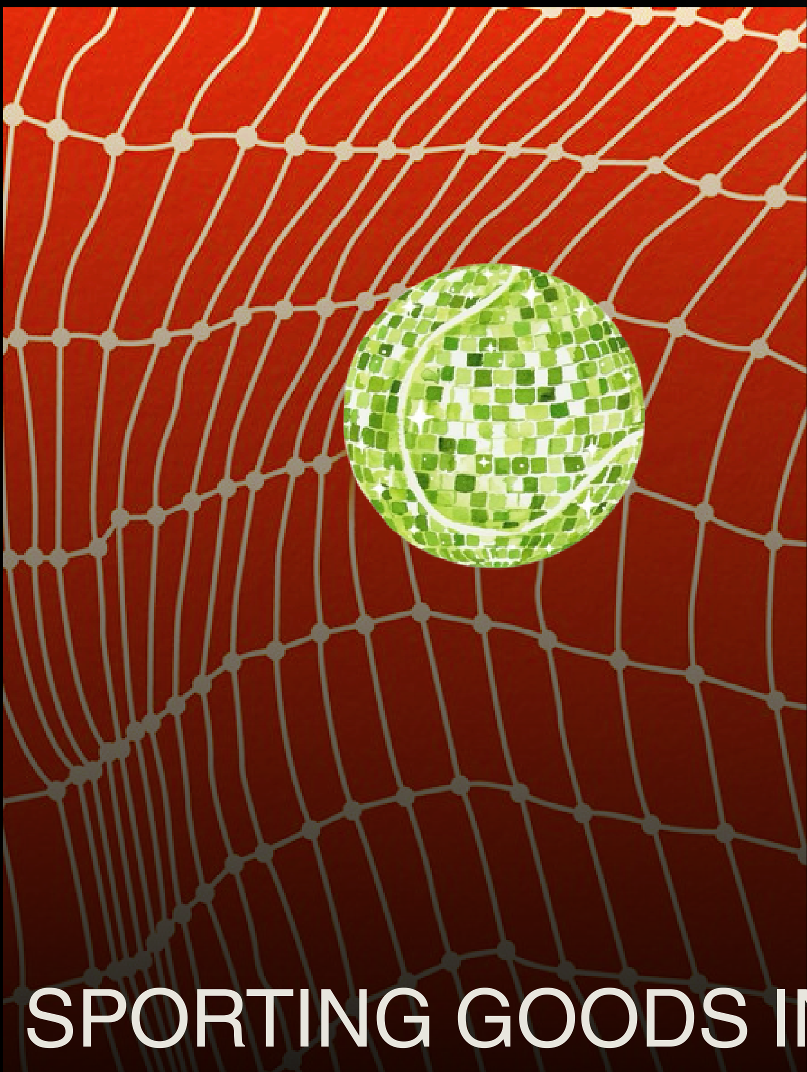
PROTECT

What Sets Your Business Apart

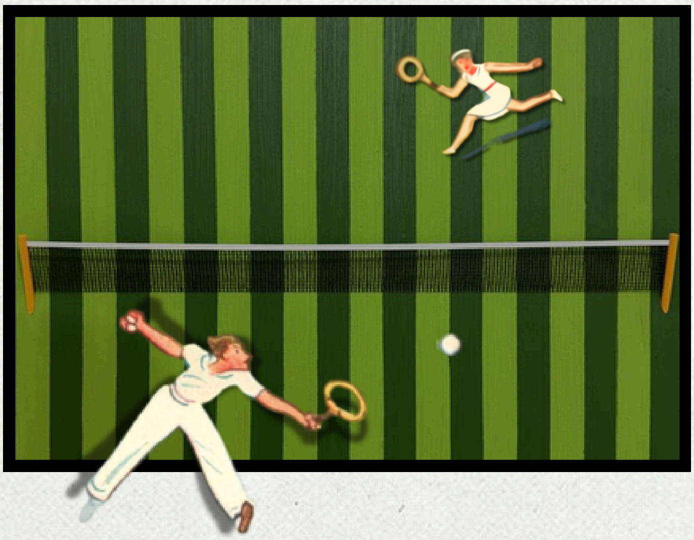
July 2026

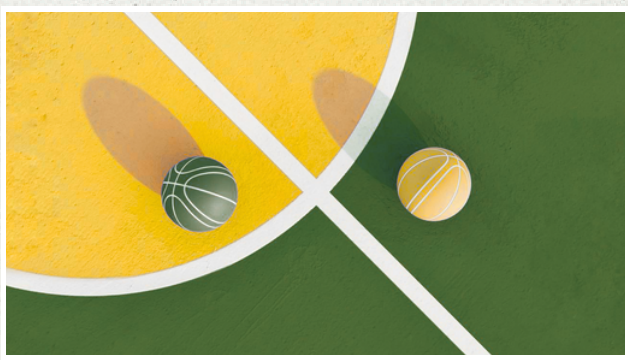


SPORTING GOODS INDUSTRY

BRAND IS WORTH MORE THAN FACTORY

India's sports goods manufacturing sector has become a global production hub, supplying equipment, footwear and apparel to some of the world's largest brands. While manufacturers continue to invest in machinery, quality control and exports, many overlook one of their most valuable commercial assets: their trademark.



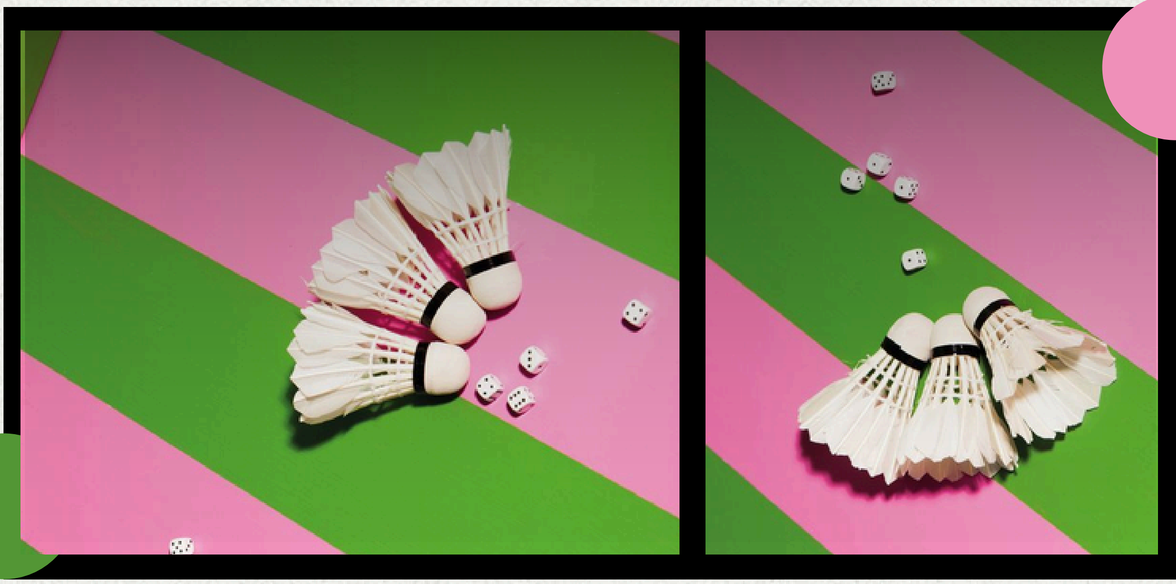


For MSMEs, trademark registration is often treated as optional. In reality, it is one of the most cost-effective forms of risk management. An unregistered brand can be copied, challenged or even lost entirely if another business registers a similar mark first.

With counterfeiting continuing to affect footwear, apparel and sporting goods worldwide, protecting a brand is no longer just an intellectual property exercise but a business necessity.

THE COMMERCIAL VALUE OF A TRADEMARK

Trademark registration safeguards a business against imitation, strengthens commercial partnerships and licensing opportunities, enhances investor confidence, and supports expansion into new domestic and international markets.



Trademark registration provides exclusive statutory rights over a brand name, logo or product identity under the Trade Marks Act, 1999. While an unregistered mark may still enjoy limited common law protection, enforcement becomes significantly more complex, expensive and uncertain.

Trademark registration is considerably less expensive than defending a brand through litigation.

By contrast, trademark disputes involving unregistered marks can result in prolonged litigation, injunctions, cancelled orders, export delays and substantial loss of goodwill.

THE BUSINESS RISKS OF NOT REGISTERING

Loss of Brand Ownership

A third party may secure registration for an identical or similar mark before the original user, potentially restricting continued use of the brand.

Commercial Limitations

Unregistered brands are significantly harder to license, franchise, assign or value during investment, mergers and acquisitions.

OECD data ranks footwear, clothing and sporting goods among the sectors most vulnerable to counterfeiting.

Weak Enforcement

Registered proprietors can initiate infringement proceedings under the Trade Marks Act, whereas unregistered owners must rely on passing-off actions, which require a substantially higher evidentiary burden.

According to IP India Annual Report 2024–25, Class 28 (Games and Sporting Articles) recorded 5,841 trademark applications, reflecting growing activity within the sports sector.

Supply Chain Exposure

Where manufacturers produce goods under their own branding alongside OEM operations, unclear ownership can create contractual uncertainty for distributors and principal manufacturers.

RECENT JUDICIAL DEVELOPMENTS

In Abros Sports **International Pvt. Ltd. v. Ashish Bansal & Ors. (2025)**, the Delhi High Court demonstrated that earlier registration and documented prior use can outweigh the commercial size of a competing business.

Similarly, the Supreme Court in **Neon Laboratories Ltd. v. Medical Technologies Ltd.** reiterated that prolonged delay in asserting trademark rights may weaken a proprietor's ability to obtain equitable relief.

For manufacturers, these decisions underline a simple commercial reality: delaying registration increases the risk of losing valuable brand rights.

REGULATORY UPDATES

1. Nice Classification (13th Edition) effective from 1 January 2026, requiring businesses to review existing class specifications.
2. Continued emphasis on documentary compliance for MSMEs seeking concessional government filing fees.

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